/216 cont./

682 A person who attempts suicide must, in some districts, pay a head of cattle to the one who prevented him from carrying out his intention.

685 Kidnapping and sale do not occur. Theft of cattle often leads
[674] to a fight if the thief and the person robbed belong to different kraals
[628] lying far apart and at the same time to different tribes. Among
[614] fellow tribal and kraal members the theft of a head of cattle is atoned for with a fine of up to ten head of cattle, that of a sheep or a goat with the payment of a head of cattle. Anyone who has eaten some of a stolen head of livestock, even if he did not know that it was stolen, must contribute to the payment of the fine. If the stolen head of cattle is found still alive and is returned to the owner, this acts in such a mitigating way that in most cases no punishment at all takes place (2).

> 2. 2nd Moses /Exodus/ 22, 1 and 4: If anyone steals an ox or a sheep and slaughters it or sells it, he shall restore five head of cattle for an ox and four head of small livestock for a sheep. If the one stolen is actually found alive in his hands /the Ger. Haut, "skin," here evidently should be Hand, "hand"/, from ox to donkey to sheep, he shall restore double.

One who acts as accomplice in a theft pays half the fine, while the thief has to raise the other half. One who steals a spear must return it and is given a beating as punishment. If the spear had already been sold before the one robbed discovered the thief, the latter must pay the former a cow, while the spear remains with the present owner. Theft of a shield is punished with the payment of a female goat. One who kills a stranger's livestock without stealing it must provide a replacement.

687 The death penalty is given for treason in war and for deliberate
685 incendiarism. Negligent incendiarism is not punished.

/216 cont./

687 [626] There is no special punishment for cowardice in war. The warriors, however, mock the coward in front of the girls and make him ridiculous in their eyes. One who makes anyone ill through 683 sorcery pays a head of cattle to the one bewitched. If the latter dies, the sorcerer must pay the fine levied for murder and is himself driven away.

681 The death penalty is carried out in that a band of armed men attack the defenseless sinner and kill him with spears. For a war /217/ traitor the execution is carried out by warriors, for an arsonist, by those injured by him. Fines are usually paid in installments. In general their amount is not fixed for the individual offenses. In the one area this, in the other that is regarded as the norm. Diminished ability to pay because of precious livestock sicknesses or unsuccessful wars naturally lowers the fine. Moreover, if in the district the fellow members of the lineage or tribe of the perpetrator have a preponderance in numbers or power over those of the injured one, the fines are considerably smaller than in the opposite case; then murder is often punished as negligent homicide, or many a time even left entirely unpunished, just like other crimes or misdemeanors. [672] Irresponsibility is regarded as mitigating in some districts, in others not. An attempt is not punished. Self-defense is not mitigating. [714] A degrading punishment exists only for the warriors and consists of [701] cutting off the guilty man's braid-coiffure, as is well known, one [684] of the insignia of his standing. This punishment is said to be inflicted [685] most frequently for rape committed on a married woman, less often also as additional punishment for theft. Innocent accused persons 734 are remunerated with a goat or a sheep. The mentally ill occupy 672 an exceptional position in the legal world only insofar as they are unable to pay fines. In most cases their people are then liable. The latter therefore keep in fetters the sick person who is inclined [755] toward misdemeanors or crimes. Frequently, too, if an ol goiatiki does not succeed in curing him through magic remedies, he is tied to a tree at some distance from the kraal, to be devoured by predatory animals.